

**ENGINEERING SERVICES
CODES COMMITTEE
REVIEW SUMMARY**

REFERENCE: Associate Area Director of the Tucson IHS Area Office, Rod Gardener's letter of February 2, 1999, requesting a waiver to the American with Disabilities Act (ADA).

ISSUE: Two fixed water fountains project 48 cm (19 inch) into a 170 cm (68 inch) corridors of the San Xavier Clinic. The fountains are mounted on a masonry load-bearing wall.

LOCATION: San Xavier Clinic, San Xavier, Arizona.

BACKGROUND: The facility is a two story concrete block building on a slope with exit egress from both floors. The clinic is classified as a "business occupancy". In 1994 this area of the clinic was renovated and the decision was made that the fountains did not need to be moved. The clinic is under going a JCAHO recertification inspection in May 1999 and wants to document all code irregularities.

DISCUSSION: ADA Accessibility Guidelines for Buildings and Facilities, 4.1.6 paragraph j, states "In alteration work, if compliance with 4.1.6 is technically infeasible, the alteration shall provide accessibility to the maximum extent feasible. Any elements or features of the building or facility that are being altered and can be made accessible shall be made accessible within the scope of the alteration. Technically Infeasible. Means, with respect to an alteration of a building or a facility, that it has little likelihood of being accomplished because existing structural condition would require moving or altering a load bearing member which is an essential part of the structural frame...". The water fountains are attached to a load bearing concrete wall.

INTERPRETATION: This situation is specifically allowed for under the ADA guidelines.

SIGNATURES:

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